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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,960	12/21/2000	Mika Leppinen	05288.00002	6297

22908 7590 01/23/2004

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EXAMINER
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MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/740,960

Applicant(s)

LEPPINEN ET AL.

Examiner

Brandon J Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-10, 12, 15, 18-22, and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeman in view of Linden and Caldwell.

Regarding claim 2 Nordeman teaches backing-up data in a wireless network (see col. 7, lines 9-13). Nordeman teaches selecting data within a wireless device for backup in a storage area, the storage area being accessible by the wireless client device through the wireless network (see col. 7, lines 18-20 & 25-27). Nordeman teaches sending the data to the storage area (see col. 7, lines 29-35). Nordeman does not specifically teach encrypting selected data or sending the encrypted data using a Wireless Application Protocol (WAP) technique. Linden teaches sending information using a Wireless Application Protocol (WAP) technique (see col. 5, lines 15-20). Caldwell teaches encrypting selected data (see col. 3, lines 46-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include encrypting selected data or sending the encrypted data using a Wireless Application Protocol (WAP) technique because this would allow for data transmission between servers and wireless communications devices, which are connected to a communications network.

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Regarding claim 3 Nordeman, Linden, and Caldwell teaches a device as recited in claim 2 except for sending the encrypted data to a storage area including the steps of encapsulating the encrypted data within a SyncML document. Nordeman does teach sending the data to the storage area (see col. 7, lines 29-35). Linden does teach encapsulating coded data within a wireless mark-up language (see col. 2, lines 4-8). Caldwell does teach encrypting selected data (see col. 3, lines 46-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include sending the encrypted data to a storage area including the steps of encapsulating the encrypted data within a SyncML document because this would allow for secure data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 4 Nordeman, Linden, and Caldwell teach a device as recited in claim 2 except for sending the encrypted data to a storage area including the steps of encapsulating the encrypted data within an XML document. Nordeman does teach sending the selected data to the storage area (see col. 7, lines 29-35). Caldwell does teach encapsulating coded data within an XML document (see col. 3, lines 34-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include sending the encrypted data to a storage area including the steps of encapsulating the encrypted data within a XML document because this would allow for secure data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 6 Caldwell teaches encrypting selected data using a public key (see col. 3, lines 50-55).

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Regarding claim 7 Nordeman, Linden, and Caldwell teach a device as recited in claim 6 except for a public key that is specifically supplied by a Wireless Identity Module (WIM). Caldwell does teach a public key that is supplied with network addresses on a wireless network (see col. 3, lines 51-55 and col. 13, lines 44-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include public key that is supplied by a Wireless Identity Module (WIM) because would allow for secure access between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 8 Nordeman teaches downloading data from a storage area (see col. 7, lines 65-67 and col. 8, lines 1-8). Caldwell teaches decrypting the encrypted data (see col. 3, lines 51-54).

Regarding claim 9 Nordeman, Linden, and Caldwell teach a device as recited in claim 8 except for downloading encrypted data from a storage area using a WAP technique. Nordeman does teach downloading data from a storage area (see col. 7, lines 65-67 and col. 8, lines 1-8). Linden teaches sending information using a Wireless Application Protocol (WAP) technique (see col. 5, lines 15-20). Caldwell teaches encrypting selected data (see col. 3, lines 46-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include downloading encrypted data from a storage area using a WAP technique because this would allow for wireless transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 10 Caldwell teaches decrypting the encrypted data using a private key (see col. 3, lines 51-55).

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Regarding claim 12 Nordeman and Caldwell teach a device as recited in claim 11 except for downloading backed-up data from a storage area using a WAP technique. Nordeman does teach downloading data from a storage area (see col. 7, lines 65-67 and col. 8, lines 1-8). Linden teaches sending information using a Wireless Application Protocol (WAP) technique (see col. 5, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include downloading backed-up data from a storage area using a WAP technique because this would allow for wireless transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 15 Nordeman and Caldwell teach a device as recited in claim 11 except for backed-up data embedded within a SyncML document. Linden teaches data embedded within a wireless mark-up language (see col. 2, lines 4-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include backed-up data embedded within a SyncML document because this would allow for secure data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 18 Nordeman teaches a memory storing data (see col. 7, lines 35-36). Nordeman teaches selecting data for backup storage (see col. 7, lines 18-20 & 25-27). Nordeman teaches sending the selected data to the storage area that is accessible to the wireless terminal device through a wireless network (see col. 7, lines 29-35). Nordeman does not specifically teach encrypting selected data, sending the encrypted data, or a browser that allows a user to select data for back up storage. Linden teaches a browser that is used in a wireless device

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to control a user interface (see col. 2, lines 9-11). Caldwell teaches encrypting selected data (see col. 3, lines 46-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include encrypting selected data, sending the encrypted data, or a browser that allows a user to select data for back up storage because this would allow for data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 19 Linden teaches a browser that is a Wireless Application Protocol (WAP) browser (see col. 2, lines 1-11).

Regarding claim 20 Nordeman teaches sending the selected data to the storage area (see col. 7, lines 29-35). Linden teaches using a Wireless Application Protocol (WAP) (see col. 2, lines 4-10). Caldwell teaches encrypting selected data (see col. 3, lines 46-51).

Regarding claim 21 Nordeman, Linden, and Caldwell teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 22 Nordeman, Linden, and Caldwell teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 24 Caldwell teaches a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 25 Nordeman, Linden, and Caldwell teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 26 Nordemnam, Linden, and Caldwell teach a device as recited in claim 18 except for downloading encrypted data from a storage area, with a restore module that decrypts encrypted data. Nordeman does teach downloading data from a storage area (see col. 7,

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lines 65-67 and col. 8, lines 1-8). Caldwell teaches decrypting encrypted data (see col. 3, lines 49-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include downloading encrypted data from a storage area, with a restore module that decrypts encrypted data because this would allow for data transmission between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 27 Nordeman teaches downloading data from a storage area (see col. 7, lines 65-67 and col. 8, lines 1-8). Linden teaches sending information using a Wireless Application Protocol (WAP) technique (see col. 5, lines 15-20). Caldwell teaches encrypting selected data (see col. 3, lines 46-51).

Regarding claim 28 Caldwell teaches a device as recited in claim 10 and is rejected given the same reasoning as above.

Regarding claim 29 Nordeman, Linden, and Caldwell teach a device as recited in claim 14 and is rejected given the same reasoning as above.

Claims 11, 13-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeman in view of Caldwell.

Regarding claim 11 Nordeman teaches accessing backed up data in a wireless network from a wireless device and downloading data from a storage area that is accessible by a wireless client device through a wireless network (see col. 7, lines 35-39 and col. 8, lines 1-8). Nordeman does not specifically teach back-up data containing encrypted data decrypting the downloaded backed-up data. Caldwell teaches encrypting selected data (see col. 3, lines 46-51). Caldwell teaches decrypting data the encrypted data (see col. 3, lines 51-55). It would have been obvious



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to one of ordinary skill in the art at the time the invention was made to make the device adapt to include back-up data containing encrypted data decrypting the downloaded backed-up data because this would allow for secure data transmission between servers and wireless communication devices.

Regarding claim 13 Caldwell teaches decrypting the encrypted back-up data using a private key (see col. 3, lines 51-55).

Regarding claim 14 Caldwell teaches a device as recited in claim 13 except for a private key that is supplied by a Wireless Identity Module (WIM). Caldwell does teach a private key that is supplied with network addresses on a wireless network (see col. 3, lines 51-55 and col. 13, lines 44-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a private key that is supplied by a Wireless Identity Module (WIM) because would allow for secure access between servers and wireless communications devices, which are connected to a communications network.

Regarding claim 16 Caldwell teaches data that is embedded in an XML document (see col. 3, lines 34-38).

Claim 5, 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeman in view of Linden, Caldwell and Soini.

Regarding claim 5 Nordeman, Linden, and Caldwell teaches a device as recited in claim 2 except for a wireless device that is one of a wireless telephone handset and a personal digital assistant. Soini teaches a wireless device that is one of a wireless telephone handset and a personal digital assistant (see col. 5, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a

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wireless device that is one of a wireless telephone handset and a personal digital assistant because this would allow for a multi-service communication device with data storing properties.

Regarding claim 17 Nordeman, Linden, and Caldwell teach a device as recited in claim 11 except for a wireless device that is one of a wireless telephone handset and a personal digital assistant. Soini teaches a wireless device that is one of a wireless telephone handset and a personal digital assistant (see col. 5, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a wireless device that is one of a wireless telephone handset and a personal digital assistant because this would allow for a multi-service communication device with data storing properties.

Regarding claim 23 Nordeman, Linden, and Caldwell teach a device as recited in claim 18 except for a wireless device that is one of a wireless telephone handset and a personal digital assistant. Soini teaches a wireless device that is one of a wireless telephone handset and a personal digital assistant (see col. 5, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include a wireless device that is one of a wireless telephone handset and a personal digital assistant because this would allow for a multi-service communication device with data storing properties.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki U.S Patent No. 6,539,461 discloses a data saving method and external storage device.

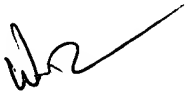
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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January 14, 2004

  
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